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12/20/01  
JC835 U.S. PTO

Practitioner's Docket No. 791\_126 CIP2B

PATENT

## NEW APPLICATION TRANSMITTAL

Box Patent Application  
Assistant Commissioner for Patents  
Washington D.C. 20231

I hereby certify that this paper is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 addressed to Box Patent Application, Assistant Commissioner for Patents, Washington, D.C. 20231 on December 20, 2001 under "EXPRESS MAIL" mailing label number EL872579881US.

Elizabeth A. VanAntwerp

10/02775  
12/20/01

Transmitted herewith for filing is the patent application of:

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Inventor 3: Koji KIMURA  
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Japan

Title: OPTICAL SWITCH

## 1. Type of Application

This is a request for filing a **CONTINUATION-IN-PART APPLICATION** under 37 C.F.R. §1.53(b), of pending prior application:

Serial No.:	09/799,329,	Prior Art Unit:	Not Assigned
Filed:	March 5, 2001,	Prior Examiner:	Not Assigned
Title:	OPTICAL SWITCH		
Inventors:	Yukihiisa TAKEUCHI, Tsutomu NANATAKI and Koji KIMURA.		

## 2. Papers enclosed

A. Required (in JAPANESE) for filing date under 37 CFR 1.53(b) (Regular) are:

45 Page(s) of Specification  
8 Page(s) of Claims  
1 Page(s) of Abstract  
24 Sheets of Formal Drawings (Figs. 1(a)-29)

**B. Other Papers Enclosed**

- ☒ A Patent Application Bibliographic Data  
☐ A Preliminary Amendment  
☐ An Information Disclosure Statement  
☐ PTO Form-1449

**3. Additional Papers to Follow Under Separate Cover**

- ☒ A combined Declaration and Power of Attorney  
☒ An Assignment Transmittal and Assignment of the invention to:

NGK Insulators, Ltd.  
 2-56, Suda-Cho, Mizuho-Ku  
 Nagoya, Aichi-Prefecture 467-8530  
 Japan

**4. The correspondence address for this application is:** Customer No.: 025191

Telephone: (315) 233-8300  
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Electronic Mail: vananl@macklaw.com

**5. Relate Back****A. 35 U.S.C. 119(e)**

- ☐ Priority of provisional application Serial No. \_\_\_\_\_, filed \_\_\_\_\_, is hereby claimed under 35 U.S.C. §119(e).

**B. 35 U.S.C. 120, 121 and 365(c)**

- ☒ Priority of said prior application Serial No. 09/799,329, filed March 5, 2001, and grandparent application Serial No. 09/749,068, filed December 27, 2000, is hereby claimed under 35 U.S.C. §120.

**C. 35 U.S.C. 119 Priority Claim for Prior Application**

- ☒ Priority of foreign application(s) is hereby claimed under 35 U.S.C. §119 as follows:

<u>Country</u>	<u>Application Number</u>	<u>Filing Date</u>
Japan	2000-391715	December 22, 2000
Japan	2001-056740	March 1, 2001

- ☒ Certified copies of the above corresponding foreign applications will follow under separate cover in prior application Serial No. 09/799,329.

09/799,329  
 09/749,068  
 09/799,329

6. ☒ Amend the specification by inserting after the title and before the first line the sentence:

**--Cross Reference to Related Applications**

This application is a continuation-in-part application of U.S. Application Serial No. 09/799,329 filed March 5, 2001, which in turn is a continuation-in-part of U.S. Application Serial No. 09/749,068 filed December 27, 2000, the entireties of which are incorporated herein by reference.--

**7. Nonpublication Request Under 35 U.S.C. 122(b)(2)(B)(i)**

☐ Applicants hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing.

☐ Applicants hereby request that the attached application **not be** published under 35 U.S.C. 122(b).

**8. The filing fee has been calculated as shown below:**

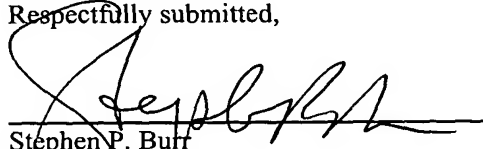
<b>Basic Filing fee</b> (37 CFR §1.16(a))				\$ 740.00
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	
Total Claims	47 - 20 =	27	× \$ 18.00	\$ 486.00
Independent Claims	2 - 3 =	0	× \$ 84.00	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$280.00	
<b>Surcharge fees</b> (37 C.F.R. 1.16(e)--\$130.00)				
<input checked="" type="checkbox"/> late payment of filing fee <i>and/or</i>				\$ 130.00
<input checked="" type="checkbox"/> late filing of original declaration or oath (37 C.F.R. 1.16(e)--\$130.00)				
<b>TOTAL OF ABOVE CALCULATIONS =</b>				\$ 1,356.00
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.				
<b>SUBTOTAL =</b>				\$ 1,356.00
<input checked="" type="checkbox"/> Fee for processing an application filed with a specification in a non-English language (37 C.F.R. 1.17(i) and 1.52(d)--\$130.00)				\$ 130.00
<input checked="" type="checkbox"/> Assignment Fee (37 CFR §1.21(h)--\$40.00)				\$ 40.00
<b>TOTAL FEES DUE =</b>				\$ 1,526.00

1002775-122007

**9. Payment of Fees and Authorization to Charge Additional Fees  
or Credit Overpayment**

- ☐ A check in the amount of \_\_\_\_\_ is enclosed.  
☐ The Commissioner is hereby authorized to charge payment of the following fees  
associated with this communication or credit any overpayment to Deposit Account No.  
50-1446. A duplicate copy of this sheet is enclosed.  
☐ Any additional filing fees required under 37 CFR 1.16.  
☐ Any patent application processing fees under 37 CFR 1.17.

Respectfully submitted,

  
Stephen P. Burr  
Reg. No. 32,970

December 20, 2001

Date

SPB/eav

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